

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA §
 Plaintiff, §
v. § CIVIL ACTION NO. H-10-
 §
 §
 §
\$22,650.00 U.S. CURRENCY §
 Defendant. §

VERIFIED COMPLAINT FOR CIVIL FORFEITURE IN REM

The United States of America, Plaintiff, files this action for forfeiture against \$22,650.00 U.S. Currency, and alleges on information and belief that:

1. This is a civil action in rem brought to enforce the provisions of 21 U.S.C. § 881(a)(6) which provides for the forfeiture of property used or intended to be used in exchange for controlled substances, represents proceeds of such an exchange, or was used or intended to be used to facilitate any violation of Title II of the Controlled Substance Act, 21 U.S.C. §801, *et seq.*

2. The property subject to forfeiture is \$22,650.00 U.S. Currency, hereafter referred to as Defendant Currency.

3. This Court has jurisdiction under 28 U.S.C. §§ 1345 and 1355. The Defendant Property will remain within the jurisdiction of this Court during the pendency of this action. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1355, 1391 and 1395.

4. Joel Fabricio Lopez (Lopez) and his wife, Norma Lopez, alleged an interest in the Defendant Currency in the administrative forfeiture proceeding.

5. On March 29, 2010, officers with the Houston Police Department (HPD) seized the Defendant Currency from Lopez's vehicle in Houston, Texas, during a traffic stop.

6. The HPD officers have received specialized training in the investigation of unlawful narcotics offenses. They have participated in numerous seizures and arrests involving unlawful controlled substances, proceeds from the sale of controlled substances, and contraband.

7. During the traffic stop, Lopez was unable to show proof of insurance, appeared to be nervous, and kept moving around in the vehicle. The Officers requested Lopez to exit the vehicle for their safety.

8. Lopez subsequently consented to the officers searching his vehicle for unlawful contraband. During the search, officers smelled the odor of acetone emitting from the back of the vehicle. From their experience, the odor of acetone is consistent with the odor of cocaine.

9. The officers found a black bag in the trunk area containing a large amount of loose money. They noticed a strong odor of acetone emitting from inside the bag.

10. A dog, trained and certified to detect the odor of illegal controlled substances, subsequently alerted to the odor of an illegal controlled substance on both

the money (Defendant Currency) and the trunk of the vehicle.

11. The Defendant Currency, \$22,650.00 (1025 bills), recovered from Lopez's vehicle consisted of:

| | | | |
|-------------|----|--------|-------------|
| \$ 2,500.00 | in | \$100s | (25 bills) |
| 1,100.00 | in | 50s | (22 bills) |
| 18,620.00 | in | 20s | (931 bills) |
| 390.00 | in | 10s | (39 bills) |
| 40.00 | in | 5s | (8 bills) |

These denominations are consistent with proceeds from the sale of controlled substances.

12. Lopez gave inconsistent and implausible statements regarding the source of the Defendant Currency.

13. The Defendant Currency is subject to forfeiture under 21 U.S.C. § 881(a)(6) as drug proceeds, currency used or intended to be used in exchange for a controlled substance, or currency used to facilitate a violation of the Controlled Substances Act.

NOTICE TO ANY POTENTIAL CLAIMANT

YOU ARE HEREBY NOTIFIED if you assert an interest in the property subject to forfeiture and want to contest the forfeiture, you must file a verified claim which fulfills the requirements set forth in Rule G of the Supplemental Rules for

Admiralty or Maritime Claims and Asset Forfeiture Actions. The verified claim must be filed no later than 35 days from the date this complaint is sent in accordance with Rule G(4)(b).

An answer or motion under Fed. R.Civ.P. 12 must be filed no later than 21 days after filing the claim pursuant to Rule G(5)(b). The claim and answer must be filed with the United States District Clerk for the Southern District of Texas and a copy must be served upon the undersigned Assistant United States Attorney at the address provided in this complaint.

PRAYER

WHEREFORE, the United States of America prays that:

1. Summons issue;
2. That Warrant of Arrest issue commanding the arrest of the property;
3. That judgment of forfeiture to the United States be decreed against the Defendant Currency; and
4. For costs and such other and further relief to which plaintiff may be entitled.

Respectfully submitted,

JOSE ANGEL MORENO
UNITED STATES ATTORNEY

By: Katherine L. Haden

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VERIFICATION

Before me, the undersigned authority, personally appeared, Kristen Davies, Special Agent, Drug Enforcement Administration, and upon being duly sworn, stated under oath that she has read the foregoing Verified Complaint for Forfeiture In Rem personal knowledge or from information obtained from reports and law enforcement personnel, and are true and correct to the best of his knowledge and belief.

Kristen Davies

Kristen Davies
Special Agent, DEA

Sworn to and subscribed before me, the undersigned authority,
on this 4th day of November 2010.

Catherine J. Riley

Notary Public, State of Texas

My commission expires: 9-14-2011.

